

A. G. Contract No. KR94 1985TRN  
ECS File No.: JPA 94-135  
Project: Traffic Signal  
Section: SR-287 @ Arizola Avenue

**INTERGOVERNMENTAL AGREEMENT**  
BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF CASA GRANDE

THIS AGREEMENT is entered into 28 September, 1994, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF CASA GRANDE, acting by and through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

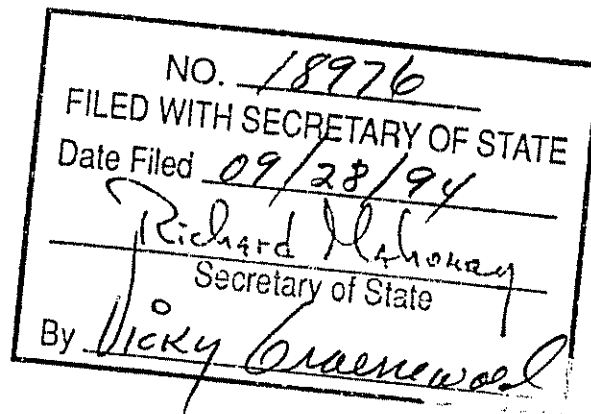
1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. The City has requested a warranted traffic signal on State Route 287 at Arizola Avenue in the City. The State and the City desire to participate in the operation and maintenance of the traffic signal.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

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## II. SCOPE

1. The City will:

Provide all materials and equipment required for the signal, and upon completion of construction provide electrical energy for the signal.

2. The State will:

Using the City materials, construct the signal with it's own forces, and upon completion of construction, provide traffic signal maintenance.

## III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until cancelled by either party or other competent authority; provided, however, that the provisions herein for maintenance and electrical energy shall be perpetual.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Mail Drop 616E  
Phoenix, AZ 85007

City of Casa Grande  
City Manager  
Box 15011  
Casa Grande, AZ 85230-5011

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

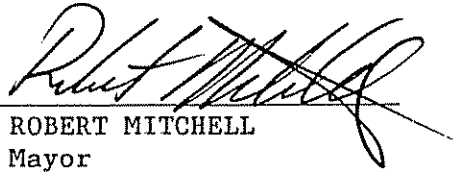
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

**CITY OF CASA GRANDE**

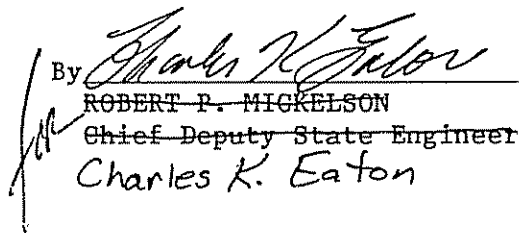
**STATE OF ARIZONA**

Department of Transportation

By

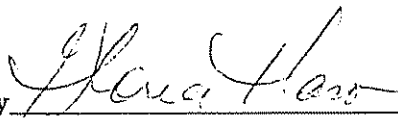
  
ROBERT MITCHELL  
Mayor

By

  
ROBERT P. MICKELSON  
Chief Deputy State Engineer  
Charles K. Eaton

ATTEST


By

  
GLORIA HARO  
City Clerk

RESOLUTION

BE IT RESOLVED on this 10th day of August 1994, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Casa Grande for the purpose of defining responsibilities for the design, construction and maintenance of a traffic signal on SR-287 at Arizola Avenue in the City.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the State Traffic Engineer for approval and execution.

for:   
LARRY S. BONINE  
Director

RESOLUTION NO. 2168

A RESOLUTION OF THE COUNCIL OF THE CITY OF CASA GRANDE, ARIZONA, AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF TRANSPORTATION REGARDING A TRAFFIC SIGNAL AT ARIZOLA ROAD AND FLORENCE BOULEVARD, AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CASA GRANDE, ARIZONA, as follows:

Section 1. Authorization for Intergovernmental Agreement

The Mayor and Council hereby authorize the City to enter into an intergovernmental agreement with Arizona Department of Transportation providing for the installation of a traffic signal at Arizola Road and Florence Blvd.

Section 2. Emergency Clause


WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Casa Grande, Arizona, an emergency is declared to exist, and this Resolution shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Casa Grande, Arizona, this 6th day of September, 1994.

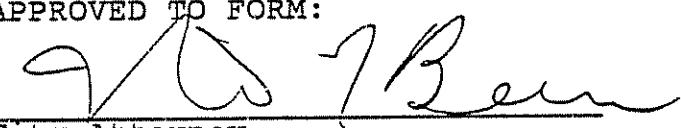
APPROVED this 6th day of September, 1994, by the affirmative vote of three-fourths of the members of the Council of the City of Casa Grande, Arizona.

ATTEST:

  
Mayor

  
City Clerk

APPROVED TO FORM:

  
City Attorney

APPROVAL OF THE CASA GRANDE CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the CITY OF CASA GRANDE and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 31<sup>st</sup> day of August, 1994.

  
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City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS  
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

MAIN PHONE : 542-5025  
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT  
DETERMINATION

A. G. Contract No. KR94-1985-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 20th day of September, 1994.

GRANT WOODS  
Attorney General

A handwritten signature in dark ink, reading "James R. Redpath", is written over a horizontal line.

JAMES R. REDPATH  
Assistant Attorney General  
Transportation Section

JRR:lsr  
8577G